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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,555	03/21/2005	George Miller	CAF-33402/03	8316
25006 7590 02/18/2011 GIFTORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C. PO BOX 7021 TROY, MI 48007-7021				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
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02/18/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,555

Applicant(s)

MILLER, GEORGE

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5,31,32,34,35,68 and 75-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,5,31,32,34,35,68 and 75-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-944)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/11 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: In lines 8-9 of claim 1, to "a cutting plane a cutting assembly" is believed to be in error for -- a cutting plane, a cutting assembly--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 68, 2, 5, 31 and 75-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudnutt 4,625,405 (as previously submitted reference in the office action mailed on 9/23/09).

Re claim 68, Hudnutt discloses a cast-cutter for use in removing a cast from a patient per Figs. 1-7, the cast-cutter comprising: a housing 30; a protection member 50

rigidly fixed to said housing 22, 30, per col. 3, lines 63-67, via a connection member 51, 51a, 51b, 53, one end 52 of said connection member 53 integrally formed with said protection member 50 and the other end 51 of the connection member coupled to said housing 30 per Figs. 1-1A and 6, said protection member 50 comprising a substantially planar skin-contact surface at 55: wherein said skin-contact surface is wider than said connection member 51 in a direction substantially perpendicular to a cutting plane per Figs. 1-1A, a cutting assembly 40, 45, configured to cut along the cutting plane through a cast 10 arranged in a cast plane per Figs. 1-1A, the cast plane substantially perpendicular to the cutting plane, said cutting assembly comprising: a stationary first portion as an opening 54 integrally formed with said protection member 50, and a moveable second portion 40a, 45a, supported for pivotal motion at axis 43 relative to the first portion 54, wherein each portion comprises a single cutting edge configured to cooperate to cut along the common cutting plane said protection member positioned on one side of the cast plane to be positioned between the cast being operated upon by the cutting assembly and a patient to protect the skin 12 of the patient; and an electric drive 20 disposed within said housing 22 and drivingly connected to said second portion 40a, 45a, to pivot at 43 via shaft 33 said second portion relative to said first portion 54 through an arcuate path which moves the single cutting edge 40a, 45a, of the second portion through the cast plane 10 from one side thereof and causes a cast positioned between the cutting edges of the first 54 and 40a, 45a, second portions in the cast plume to be pressed against the single cutting edge of the stationary first portion, such

that the respective single cutting edges of the first and second portions effect cutting through the cast plane from opposing sides by a shearing action per Figs. 1-1A.

Re claim 2, Hudnutt discloses that the cutting assembly 40, 45, is adapted for removing a strip of material from the cast 10 per Figs. 1-1A.

Re claim 5, Hudnutt discloses that the first portion 54 and protection member 50 are releasably coupled to the housing 30 per col. 7, lines 33-45. It should be noted that Applicant has not specifically defined as the first portion and protection member are separately releasably coupled to the housing. Therefore, Examiner considers that Hudnutt satisfies the claimed subject matter.

Re claim 31, Hudnutt discloses that a leading edge at 40a and 45a of the second portion 40a, 45a, of the cutting assembly is chamfered per Fig. 6. The teeth portions of 40a, 45a, teach an angled portion or the overall contour is rounded per Figs. 6-7. The Applicant has not specifically defined and claimed the specific structure of the chamfer; the Examiner considers that Hudnutt satisfies the claimed subject matter.

Re claim 75, Hudnutt discloses that the protection member 50 further comprises an integral front guard as portion 57 per Fig. 1, said front guard 57 extending across the cutting plane along 10, such that the stationary portion cutting edge of 54 is located between the front guard 57 and the connection member 53 per Figs. 1-1A.

Re claim 76, Hudnutt discloses that the protection member 50 further comprises a profiled nose as portion of 58, said profiled nose 58 composing an upper tapered surface proximal to the cast plane per Figs. 1-1A, 4 and 5.

Re claim 77, Hudnutt discloses that the profiled nose 58 further comprises a lower tapered surface as bottom side of 58 distal from the cast plane per Figs. 1-1A, 4 and 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudnutt 4,625,405 in view of Wang 6,308,421.

Re claim 5, Hudnutt teaches the invention as claimed as discussed above. However, in case if it is argued that Hudnutt fails to teach that the first portion and the protection member are releasably coupled to the housing. Wang teaches that the first portion as front portion around 11 and the protection member 50 are releasably coupled to the housing as portion between the handle and the leading edge of 11 per Figs. 1-2 & 4-5.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Hudnutt's stationary blade portion with a support arrangement, as taught by Wang, in order to allow for cutting different configurations of work pieces per col. 1, lines 36-40 per Figs. 1-2 & 4-5.

Re claim 34, the modified device of Hudnutt teaches that the cutting assembly (Hudnutt, 40, 45) is adapted to remove continuous strips of material from a cast and the

first portion of the cutting assembly comprises a strip exit, as blade channel (Wang, 53 per Fig. 1), to allow a strip of the cast which is being removed to pass therethrough.

7. Claims 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudnutt 4,625,405 in view of Wang 6,308,421 and further in view of Nordlin 6,981,327 or Yoshikawa 6,330,738.

Re claim 32, the modified device of Hudnutt teaches that the first portion as front portion around (Wang, 11) defines an aperture at (Wang, 12, Fig. 1) except which is chamfered at one side. Nordlin teaches an aperture 46 which is chamfered at 94 per Fig. 9 per col. 4, lines 21-24; and Yoshikawa teaches an aperture which is chamfered per col. 19, lines 19-27 per Figs. 13-14.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide the aperture of the modified device of Hudnutt with a chamfer arrangement, as taught by Nordlin or Yoshikakwa, in order to allow easy insertion of the pin or bolt quick aligning the center of the hole with the center of the pin.

Re claim 35, the modified device of Hudnutt teaches that the strip exit, as blade channel (Wang, 53 per Fig. 1) comprises tapered sides, which taper outwards, away from the aperture (Wang, 12 per Fig. 1).

Response to Arguments

8. Applicant's arguments with respect to claim 68 have been considered but are moot in view of the new ground(s) of rejection under 35 U.S.C. 102(b) as being anticipated by Hudnutt 4,625,405.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724
2/16/11.

/Ghassem Alie/

Primary Examiner, Art Unit 3724